

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|------------------------------|---|-----------------------|
| JON PLUMMER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No.: 1:22-cv-578 |
| |) | |
| BILL DITTMER and |) | |
| BILL DITTMER TRUCKING, INC., |) | |
| |) | |
| Defendants. |) | |

NOTICE OF REMOVAL

Defendants Bill Dittmer Trucking, Inc. ("BDT") and Bill Dittmer ("Dittmer"), pursuant to 28 U.S.C. §1332, submit their Notice of Removal of this matter to the United States District Court for the Southern District of Indiana, Indianapolis Division, from the Hamilton Superior Court 1, Noblesville, Indiana, and state as follows:

1. BDT and Dittmer are defendants in a personal injury action now pending in the Hamilton Superior Court 1 under Cause No. 29D01-2201-CT-000559.
2. Plaintiff filed his Complaint in the Hamilton Superior Court 1 on January 25, 2022.
3. Based upon information provided by the online docket for the Hamilton Superior Court 1, BDT was served with a copy of the Summons and Complaint on or about January 28, 2022.

4. Based upon information provided by the online docket for the Hamilton Superior Court 1, Dittmer was served with a copy of the Summons and Complaint on or about January 31, 2022.

5. Plaintiff's Complaint is subject to removal on the grounds of diversity jurisdiction pursuant to 28 U.S.C. §1332.

6. Plaintiff, Jon Plummer, is a citizen of the State of Indiana residing and domiciled at 831 Edgehill Lane, Anderson, Indiana 46012.

7. BDT is a Maine corporation with its principal place of business in at 7 Hazel Street, Madison, Maine 04950. As such, BDT is a citizen of the State of Maine.

8. Dittmer resides at and is domiciled at 7 Hazel Street, Madison, Maine 04950. As such, Dittmer is a citizen of the State of Maine.

9. The controversy in this cause of action is entirely between citizens of different states.

10. While Plaintiff's Complaint seeks an unspecified amount of damages, Plaintiff refused to admit that his damages are less than \$75,000.00. (See, Exhibit A). Therefore, the amount in controversy exclusive of interest and costs is greater than \$75,000, the jurisdictional threshold required by 28 U.S.C. §1332(a).

11. Attached hereto as Exhibit B is a complete copy of the Appearance of Robert T. Dassow, Appearance of Tyler J. Zipes, Plaintiff's Complaint, Summons to Bill Dittmer, Summons to Bill Dittmer Trucking, Inc., Certificate of Issuance of Summons, Appearance filed on behalf of Defendants, Motion for

Enlargement of Time to Answer Complaint, Order on Defendants' Motion for Enlargement of Time, Answer, Affirmative Defenses and Demand for Trial by Jury and Judge's Entry of March 22, 2022. These documents constitute all of the pleadings and process on file with the Hamilton Superior Court 1 as of the date of this filing of this Notice of Removal.

12. Attached hereto as Exhibit C is a separate copy of Plaintiff's Complaint filed on January 25, 2022.

13. Attached hereto as Exhibit D is the current State Court docket.

14. Upon receiving a file-marked copy of this Notice of Removal, Defendants will serve the same upon Plaintiff and also file a copy with the Clerk of the Hamilton Superior Court 1.

Respectfully submitted,

WHITTEN LAW OFFICE LLC



Christopher R. Whitten/20429-49



Matthew K. Phillips/28724-49

Counsel for Defendants

CERTIFICATE OF SERVICE

On March 23, 2022, I electronically served and/or filed the foregoing document through the Court's ECF system on the following:

Robert T. Dassow, Esq.
Tyler J. Zipes, Esq.
HOVDE DASSOW & DEETS LLC
RDassow@hovdelaw.com
TZipes@hovdelaw.com



Christopher R. Whitten

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